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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE NUTANIX, INC. SECURITIES  
LITIGATION

Master File No. 3:19-cv-01651-WHO

Hon. William H. Orrick

**STIPULATION AND [PROPOSED]  
ORDER REGARDING SCHEDULING**

1 Subject to this Court's approval, the parties have agreed to the following stipulation:

2 1. This case is a putative securities class action and therefore is governed in various  
3 respects by the Private Securities Litigation Reform Act of 1995 ("PSLRA").

4 2. On March 29, 2019, plaintiff Ryan Scheller filed a class action complaint against  
5 Defendants for violation of federal securities laws under Sections 10(b) and 20(a) of the Securities  
6 Exchange Act of 1934 ("Exchange Act") and Securities and Exchange Commission Rule 10b-5.

7 3. Pursuant to 15 U.S.C. § 78u-4(a)(3)(A)(i), plaintiff Scheller published notice of  
8 his putative class action suit on March 28, 2019.

9 4. Three actions were subsequently filed, which also alleged violations of federal  
10 securities laws under Sections 10(b) and 20(a) of the Exchange Act and SEC Rule 10b-5, which  
11 were based upon the same facts and actions alleged in the *Scheller* action. *See Mauter v. Nutanix*,  
12 No. 3:19-cv-02442 (filed May 6, 2019); *Maroun v. Nutanix*, No. 3:19-cv-02744 (filed May 20,  
13 2019); *Zapf v. Nutanix, Inc.*, No. 3:19-cv-02781 (filed May 22, 2019).

14 5. Pursuant to 15 U.S.C. § 78u-4(a)(3)(A)(i)(II), any member of the putative class  
15 had to move to serve as lead plaintiff of the class no later than sixty (60) days after the date on  
16 which notice of the class was published. In this case, the deadline for filing a motion to be  
17 appointed lead plaintiff was March 28, 2019.

18 6. On July 10, 2019, pursuant to Section 21D(a)(3)(B) of the PSLRA, 15 U.S.C. §  
19 78u-4(a)(3)(B), the Court appointed Shimon Hedvat as Lead Plaintiff and Levi & Korsinsky, LLP  
20 as Lead Counsel and consolidated the four filed actions above [Dkt. No. 87] (the "Order").

21 7. On or before August 26, 2019, forty-five (45) days from the Order appointing lead  
22 plaintiff and lead counsel, Lead Plaintiff shall file a consolidated amended complaint or notify  
23 defendants in writing that Lead Plaintiff intends to rely on a current complaint.

24 8. In view of the fact that a consolidated amended complaint is anticipated,  
25 Defendants shall not be required to answer or otherwise respond in this matter until October 10,  
26 2019, forty-five (45) days after Lead Plaintiff has filed a consolidated amended complaint or has  
27 otherwise designated in writing the operative complaint.

28 9. In the event that defendants move to dismiss the operative complaint, Lead

Plaintiff shall have until November 25, 2019, forty-five (45) days from the date defendants file such motions to file response briefs, to file response briefs. Defendants shall have until December 24, 2019, twenty-nine (29) days from the date the Lead Plaintiff files response briefs, to file reply briefs.

10. Pursuant to 15 U.S.C. § 78u-4(b)(3)(B), all discovery shall be stayed pending resolution of defendants' motion(s) to dismiss the operative complaint. During the pendency of the PSLRA's discovery stay, the parties shall comply with the 15 U.S.C. § 78u-4(b)(3)(C)(i) provisions concerning document preservation.

11. The parties agree that this stipulation is made in the interests of efficiently proceeding with this action, not to delay the proceedings, and will not prejudice any party.

STIPULATED AND AGREED this 15th day of July, 2019:

**LEVI & KORSINSKY, LLP**

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*Attorneys for Defendants*

1 SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2019

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4 Hon. William H. Orrick  
5 United States District Judge  
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